

# Exhibit S

**From:** Gill, Robert C.  
**To:** [Rubman, Gary](#)  
**Cc:** [Duane Zobrist](#); [Jonathan Jacobs](#); [Schaufelberger, Thomas S.](#); [Darling, Jeremy B.](#); [Flax, Sherry H.](#); [Platt, Henry A.](#); [jhodges@hodgeslc.com](mailto:jhodges@hodgeslc.com); [Antonelli, Matthew](#); [VGTvCastleHill](#); [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com)  
**Subject:** RE: Disclosure of VGT confidential information to Mr. Schoettelkotte  
**Date:** Tuesday, September 11, 2018 6:31:51 PM

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Gary,

We have confirmed that the first time that we provided VGT confidential information to Mr. Schoettelkotte was on August 7, 2018.

Bob

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**From:** Rubman, Gary [mailto:[grubman@cov.com](mailto:grubman@cov.com)]  
**Sent:** Monday, September 10, 2018 1:34 PM  
**To:** Gill, Robert C.  
**Cc:** Duane Zobrist; Jonathan Jacobs; Schaufelberger, Thomas S.; Darling, Jeremy B.; Flax, Sherry H.; Platt, Henry A.; [jhodges@hodgeslc.com](mailto:jhodges@hodgeslc.com); Antonelli, Matthew; [VGTvCastleHill](#); [dluthey@gablelaw.com](mailto:dluthey@gablelaw.com)  
**Subject:** RE: Disclosure of VGT confidential information to Mr. Schoettelkotte

Bob,

I am writing to follow-up on the email chain below. As we previously indicated, we are requesting information as to when Mr. Schoettelkotte was first provided access to VGT confidential information. If your litigation support folks are not able to provide this information, is it possible for you to ask the attorney on your team who has been communicating with Mr. Schoettelkotte to provide this information? We remain concerned about the failure to properly disclose Mr. Schoettelkotte and hope to receive the information we have requested as soon as possible.

Thanks.

- Gary

**Gary Rubman**

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**COVINGTON**

-----Original Message-----

From: Gill, Robert C. <Robert.Gill@saul.com>  
Sent: Thursday, September 06, 2018 9:09 AM  
To: Rubman, Gary <grubman@cov.com>  
Cc: Duane Zobrist <dzobrist@zoblaw.com>; Jonathan Jacobs <jjacobs@zoblaw.com>;  
Schaufelberger, Thomas S. <tschauf@saul.com>; Darling, Jeremy B. <Jeremy.Darling@saul.com>;  
Flax, Sherry H. <Sherry.Flax@saul.com>; Platt, Henry A. <Henry.Platt@saul.com>;  
jhodges@hodgeslc.com; Antonelli, Matthew <matt.antonelli@saul.com>; VGTvCastleHill  
<VGTvCastleHill@cov.com>; dluthey@gablelaw.com  
Subject: Re: Disclosure of VGT confidential information to Mr. Schoettelkotte

Gary, I have requested the information from my folks. The person who assisted with this not in this week, but we will forward as soon as it is available.

Sent from my iPhone

On Sep 5, 2018, at 9:24 AM, Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<<mailto:grubman@cov.com>>>  
wrote:

\*\*EXTERNAL EMAIL\*\* - This message originates from outside our Firm. Please consider carefully before responding or clicking links/attachments.

Bob,

In your email below, you stated that you needed to consult with your litigation support folks before you could provide the dates when Mr. Schoettelkotte was first provided access to VGT confidential information. When will you be providing this information?

Thanks.

- Gary

Gary Rubman

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[www.cov.com](http://www.cov.com)<<http://www.cov.com>>

<image001.jpg>

From: Gill, Robert C. <[Robert.Gill@saul.com](mailto:Robert.Gill@saul.com)<mailto:Robert.Gill@saul.com>>  
Sent: Sunday, September 02, 2018 6:09 PM  
To: Rubman, Gary <[grubman@cov.com](mailto:grubman@cov.com)<mailto:grubman@cov.com>>; 'Duane Zobrist'  
<[dzobrist@zoblaw.com](mailto:dzobrist@zoblaw.com)<mailto:dzobrist@zoblaw.com>>; 'Jonathan Jacobs'  
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'jhodges@hodgeslc.com<mailto:jhodges@hodgeslc.com>'<  
<[jhodges@hodgeslc.com](mailto:jhodges@hodgeslc.com)<mailto:jhodges@hodgeslc.com>>; Antonelli, Matthew  
<[mattantonelli@saul.com](mailto:mattantonelli@saul.com)<mailto:mattantonelli@saul.com>>  
Cc: VGTvCastleHill <[VGTvCastleHill@cov.com](mailto:VGTvCastleHill@cov.com)<mailto:VGTvCastleHill@cov.com>>;  
'dluthey@gablelaw.com<mailto:dluthey@gablelaw.com>'<  
<[dluthey@gablelaw.com](mailto:dluthey@gablelaw.com)<mailto:dluthey@gablelaw.com>>  
Subject: RE: Disclosure of VGT confidential information to Mr. Schoettelkotte

Gary,

Attached please find a copy of the protective order certification signed by Mr. Schoettelkotte on April 6, 2018, which certifies that as of that date he had read the protective order and agreed to be bound by its terms, and a copy of his cv that we obtained on the same date, for the purpose of providing these items to you in connection with our retention of Mr. Schoettelkotte as a damages expert in this matter. I recall drafting the email to forward these two documents to your team on the same date. I have to say I was surprised to receive your email, having recalled my preparation of that email around April 6. However, I spent some time looking for that email, and I have been unable to locate it in my sent items or even in my draft folder. We did locate an email exchange I had with Henry the day before, where I discussed with him the fact that I had prepared the draft email for purposes of giving notice, but I simply could not locate the email itself. I just don't know what happened to it. I can assure you though that the error was inadvertent.

Mr. Schoettelkotte was only given CHG materials and a copy of the initial complaint in this case until well after he signed the protective order certification in this case. I cannot give you the dates until I have access to my litigation support folks after the long holiday weekend.

Bob

From: Rubman, Gary [<mailto:grubman@cov.com>]  
Sent: Saturday, September 01, 2018 1:02 PM  
To: Gill, Robert C.; 'Duane Zobrist'; 'Jonathan Jacobs'; Schaufelberger, Thomas S.; Darling, Jeremy B.; Flax, Sherry H.; Platt, Henry A.; 'jhodges@hodgeslc.com<mailto:jhodges@hodgeslc.com>'; Antonelli, Matthew

Cc: VGTvCastleHill; 'dluthey@gablelaw.com<<mailto:dluthey@gablelaw.com>>'  
Subject: Disclosure of VGT confidential information to Mr. Schoettelkotte

Counsel:

We write regarding the rebuttal expert report of W. Todd Schoettelkotte, which we received last night. Mr. Schoettelkotte claims to have reviewed and considered a significant amount of VGT documents and information designated as Confidential or Highly Confidential under the Protective Order, including VGT's financial information and trade secrets relating to the design of VGT's bingo system.

We have been unable to find any record of Castle Hill disclosing Mr. Schoettelkotte pursuant to Paragraph 7 of the Protective Order, as Castle Hill was required to do prior to sharing VGT's Confidential and Highly Confidential materials with Mr. Schoettelkotte. Please let us know if we are mistaken.

If, as it appears, Castle Hill failed to disclose Mr. Schoettelkotte under the Protective Order, this would be quite troubling. VGT is considering appropriate steps to address this apparent violation. In the meantime, please promptly confirm that Castle Hill will cease sharing or discussing any VGT Confidential and Highly Confidential materials with Mr. Schoettelkotte, and will recall all such materials that have been provided to him, until further notice. Please also provide the date when Mr. Schoettelkotte was retained and the date when he first was provided with VGT Confidential or Highly Confidential materials.

VGT reserves all rights to with respect to this issue.

- Gary

Gary Rubman

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<image004.jpg>

"Saul Ewing Arnstein & Lehr LLP ([saul.com](http://saul.com)<http://saul.com>)" has made the following annotations:

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+~~~~~+

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